

S.R. 178 - By Barrientos: Commending Melvin Lee Sobotik for his career of service in the office of the comptroller.

S.R. 179 - By Barrientos: Welcoming the students from Buenos Aires, Argentina, who are participating in the Fundacion Universitaria del Rio de la Plata program at the Lyndon Baines Johnson School of Public Affairs.

S.R. 180 - By Barrientos: Welcoming the students from the University of Hannover in Hannover, Germany, who are participating in the Southwest Texas State University student exchange program.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:23 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

February 7, 1995

NATURAL RESOURCES — **S.B. 329** (Amended), **S.B. 72**, **S.B. 314**, **S.B. 315**, **S.B. 393**

February 8, 1995

ECONOMIC DEVELOPMENT — **C.S.S.B. 215**

INTERGOVERNMENTAL RELATIONS — **S.B. 42** (Amended), **S.B. 344** (Amended), **S.B. 260** (Amended)

EIGHTEENTH DAY

(Thursday, February 9, 1995)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Brown, Leedom, Sims.

A quorum was announced present.

The Reverend B. W. McClendon, St. James Missionary Baptist Church, Austin, offered the invocation as follows:

Heavenly Father, we come today in the name of Jesus our Lord. We thank You for the privilege of prayer. We pray for this legislative body; give them wisdom and guidance as they deliberate over Your business as it relates to this state. God, we recognize our dependence upon You. Bless our Governor and his staff; give him the wisdom that he needs to lead this great State of Texas. We will be eternally grateful. In Jesus' name, our Lord and Savior, we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Lucio, Senator Brown was granted leave of absence for today on account of important business.

On motion of Senator Wentworth, Senator Leedom was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 45

On motion of Senator Lucio and by unanimous consent, Senators Truan and Zaffirini will be shown as Co-authors of **S.C.R. 45**.

CO-AUTHOR OF SENATE BILL 7

On motion of Senator Harris and by unanimous consent, Senator Montford will be shown as Co-author of **S.B. 7**.

CO-AUTHOR OF SENATE BILL 86

On motion of Senator Brown and by unanimous consent, Senator Patterson will be shown as Co-author of **S.B. 86**.

CO-AUTHOR OF SENATE BILL 94

On motion of Senator Ellis and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 94**.

CO-AUTHOR OF SENATE BILL 141

On motion of Senator Ellis and by unanimous consent, Senator Armbrister will be shown as Co-author of **S.B. 141**.

CO-AUTHOR OF SENATE BILL 142

On motion of Senator Ellis and by unanimous consent, Senator Gallegos will be shown as Co-author of **S.B. 142**.

CO-AUTHOR OF SENATE BILL 182

On motion of Senator Rosson and by unanimous consent, Senator Patterson will be shown as Co-author of **S.B. 182**.

CO-AUTHOR OF SENATE BILL 189

On motion of Senator West and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 189**.

CO-AUTHOR OF SENATE BILL 345

On motion of Senator Brown and by unanimous consent, Senator Patterson will be shown as Co-author of **S.B. 345**.

CO-AUTHORS OF SENATE BILL 455

On motion of Senator Lucio and by unanimous consent, Senators Truan and Zaffirini will be shown as Co-authors of **S.B. 455**.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

S.C.R. 44

H.C.R. 6

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a delegation from Starr County.

The Senate welcomed its guests.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.J.R. 34 by Nelson, State Affairs
Armbrister, Bivins, Galloway, Haywood, Leedom, Lucio, Nixon, Patterson,
Shapiro, Whitmire, Wentworth
Proposing a constitutional amendment to reserve to the people the powers
of initiative and referendum.

S.B. 507 by Montford Criminal Justice
Relating to the arrest, custody, and detention of a child alleged to have
violated a curfew ordinance.

S.B. 509 by Zaffirini Health and Human Services
Relating to clarifying the authority of the Health and Human Services
Commission to delegate to a health and human services agency the
authority to operate all or part of the Medicaid program and to the powers
and duties of that agency.

S.B. 510 by Madla Jurisprudence
Relating to the organization of the district courts in Brewster, Culberson,
Hudspeth, Jeff Davis, and Presidio counties and the offices of the district
attorneys of the 34th and 83rd judicial districts.

S.B. 511 by Henderson Jurisprudence
Relating to covenants not to compete.

GUESTS PRESENTED

Senator Rosson was recognized and introduced to the Senate a group of students from the El Paso Independent School District who are participating in the Government Awareness Project.

The Senate welcomed its guests.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 9, 1995

**TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE MEMBERS OF THE UNIVERSITY OF TEXAS SYSTEM BOARD
OF REGENTS** for terms to expire February 1, 2001:

LINNET F. DEILY
5331 Bordley Drive
Houston, Texas 77056

Ms. Deily will be replacing Robert J. Cruikshank of Houston, whose term expired.

DONALD L. EVANS
411 Carol Lane
Midland, Texas 79705

Mr. Evans will be replacing Dr. Mario E. Ramirez of Roma, whose term expired.

THOMAS G. LOEFFLER
203 Ridgemont
San Antonio, Texas 78209

Mr. Loeffler is being reappointed.

Respectfully submitted,

/s/George W. Bush
Governor of Texas

SENATE RESOLUTION 169

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is honored to welcome a distinguished visitor, Major General John H. Bailey II of Missouri City, Texas, who was appointed Commanding General of the Texas State Guard in February of 1994; and

WHEREAS, General Bailey was born in Drew, Mississippi, and moved to McKinney, Texas, with his parents when he was eight years old; he

earned a bachelor of science degree in aeronautics from Embry Riddle Aeronautical University and a master's degree in education administration and supervision from Alcorn State University; and

WHEREAS, He was commissioned in the United States Army on May 10, 1967, upon completion of Officer Candidate School at Aberdeen Proving Grounds and was assigned to the 101st Airborne Division at Fort Campbell as a forward support platoon leader; he was deployed with that division to the Republic of Vietnam in December of 1967; his subsequent assignments included a second tour in Vietnam as an army aviator with the First Aviation Brigade, flying reconnaissance and surveillance missions over South Vietnam and Cambodia; and

WHEREAS, His awards and decorations include the Soldier's Medal, the Bronze Star with Oak Leaf Cluster, the Meritorious Service Medal, the Air Medal with eight Oak Leaf Clusters, the Army Commendation Medal with two "V" devices and two Oak Leaf Clusters, the Vietnam Service Medal, the Vietnam Campaign Medal, the National Defense Medal, the Vietnam Cross of Gallantry, the Vietnam Honor Medal, the Texas Distinguished Service Medal, the Texas Outstanding Service Medal, the Senior Army Aviator's Badge, and the Senior Parachutist Badge; and

WHEREAS, General Bailey served as an assistant professor of Military Science at Alcorn State University from 1975 to 1979; he then moved to Fayette, Mississippi, and organized the Junior Reserve Officers Training Corps program for the Jefferson County Independent School District, serving as its director until 1984; he returned to Texas and joined the Clear Creek Independent School District as the Senior Army Instructor for the district's Junior Reserve Officers Training Corps program; and

WHEREAS, He enlisted in the all-volunteer, nonpaid Texas State Guard in 1985 and served as the Operations and Training Officer for the 202nd Military Police Battalion, Executive Officer and Commander of the Second Military Group, and Deputy Commander of Operations and Training prior to his appointment as Commanding General; and

WHEREAS, The Texas Senate is proud to welcome this distinguished Texan to the Capitol and to salute him for his outstanding achievements during his service to our nation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby extend hospitality to General Bailey and best wishes for an enjoyable visit to the Capital City; and, be it further

RESOLVED, That a copy of this Resolution be prepared for General John H. Bailey II as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Ellis, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Colonel Chet Brooks, former Dean of the Senate, and Major General John H. Bailey II of the Texas State Guard.

The Senate welcomed its distinguished guests.

PRESENTATION

Senator Lucio was presented with the Faithful Service Medal and an order of promotion to Major in recognition of his service in the Texas State Guard by Colonel Brooks and General Bailey.

(Senator Truan in Chair)

GUESTS PRESENTED

Senator Turner was recognized and introduced to the Senate Mike Cochrell and Bob "Pic" Billingsly of Sanderson Farms in Laurel, Mississippi.

The Senate welcomed its guests.

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Hugh Wilson of Hale Center, was introduced to the Senate by Senator Montford.

The Senate expressed appreciation and gratitude to Dr. Wilson for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

HOUSE CONCURRENT RESOLUTION 68

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The Hillsboro Chamber of Commerce recently inducted Will Bond into the chamber's Hall of Fame and, with his receipt of this distinctive accolade, Mr. Bond has become the first area resident to be so honored since 1987; and

WHEREAS, This prestigious honor is awarded each year to an individual whose life has been marked with significant accomplishments and this standard is certainly met and exemplified in the life of this dedicated civic leader; and

WHEREAS, Many earlier recipients of this award have been former residents whose careers have taken them away from Hillsboro, however, Mr. Bond has remained a lifelong resident of the community where he was born and has always made time in a schedule that would daunt a lesser man to lend a hand where needed; and

WHEREAS, A graduate of Hillsboro Junior College, Mr. Bond is a successful businessman whose extensive career has involved participation in a number of different ventures through the years, including management of the T. B. Bond Drug Store, the Bond Hardware and Furniture Company, and the Central Texas Real Estate Company; and

WHEREAS, Along the way, this fine gentleman has provided outstanding leadership for the Hillsboro Junior Chamber of Commerce, the Hillsboro Chamber of Commerce, the Hill County School Board, the East Texas Chamber of Commerce, the Hillsboro March of Dimes, the Hill County Red Cross, the heart association, and the Hill County Cell Block Museum; and

WHEREAS, At the state level, Mr. Bond was appointed by Governor Price Daniel to serve on the Texas Public Welfare Board, and his presence proved so vital to the work of the board that he was reappointed by Governors John Connally and Preston Smith; and

WHEREAS, A devoted family man as well, he enjoyed a rewarding marriage with his beloved wife of many years, the late Louise Bullock Bond, and his love for his children, Bill Bond and Susan Bond Ramsey, his six grandchildren, and his great-grandchild is legendary; he also has served as a second father to his brother-in-law, Lieutenant Governor Bob Bullock, who has said that he owes Mr. Bond everything he is and will ever be; and

WHEREAS, Will Bond is a rare individual who gives back to the world much more than he asks of it and his legacy of achievement in behalf of his community truly merits our highest praise and recognition; now, therefore, be it

RESOLVED, That the 74th Legislature of the State of Texas hereby congratulate Will Bond on his induction into the Hillsboro Chamber of Commerce Hall of Fame and commend this extraordinary gentleman for a lifetime of service to his family, community, and state; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. Bond as an expression of high regard by the Legislature of the State of Texas.

SIBLEY

The resolution was read.

On motion of Senator Whitmire and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Sibley and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

(President in Chair)

MESSAGE FROM THE HOUSE

House Chamber
February 9, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 3, In memory of Robert W. Calvert.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

CONCLUSION OF MORNING CALL

The President at 10:30 a.m. announced the conclusion of morning call.

SENATE BILL 304 ON SECOND READING

Senator Turner moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 304** be taken up for consideration at this time:

S.B. 304, Relating to the designation of certain highways as the Presidential Corridor.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 304 ON THIRD READING

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 304** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 318 ON SECOND READING

Senator Turner moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 318** be taken up for consideration at this time:

S.B. 318, Relating to designation of United States Highway 290 in Lee County as the Henry G. "Bud" Lehman Highway.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 318 ON THIRD READING

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 318** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 344 ON SECOND READING

Senator Ratliff moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 344** be taken up for consideration at this time:

S.B. 344, Relating to the disposition of surplus tax money of the Morris County Hospital District on dissolution of the district.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read second time.

Senator Ratliff offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 344** as follows:

(1) In Section 1 of the bill (page 1, lines 5-7), strike the recital of the law being amended and substitute the following:

"Section 9.09, Chapter 719, Acts of the 71st Legislature, Regular Session, 1989, is amended by amending Subsections (d) and (e) and adding Subsection (g) to read as follows:"

(2) In Section 1 of the bill, in Section 9.09, Chapter 719, Acts of the 71st Legislature, Regular Session, 1989 (page 2, between lines 1 and 2), add a new Subsection (g) to read as follows:

(g) After the commissioners court of the county enters an order affirming the dissolution of the district, Morris County, on behalf of the board, may collect any delinquent taxes imposed by the board under this section. Morris County shall use the money the county collects under this subsection to provide health care services and assistance to indigent residents of the county under Subchapter B, Chapter 61, Health and Safety Code.

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 344 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 344** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read third time and was passed by the following vote:
Yeas 28, Nays 0. (Same as previous roll call)

SENATE RESOLUTION 182

Senator Truan offered the following resolution:

S.R. 182, Commending and applauding the success of Leadership Corpus Christi and welcoming its new associates to the State Capitol.

The resolution was read.

On motion of Senator Cain and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate a delegation from Leadership Corpus Christi.

The Senate welcomed its guests.

SENATE BILL 237 ON SECOND READING

Senator Cain, on behalf of Senator Montford, moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 237** be taken up for consideration at this time:

S.B. 237, Relating to the regulation of nonagricultural public warehouses.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 237 ON THIRD READING

Senator Cain, on behalf of Senator Montford, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 237** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read third time and was passed by the following vote:
Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 126 ON SECOND READING**

Senator Moncrief moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 126** be taken up for consideration at this time:

C.S.S.B. 126, Relating to the requirement that a victim of the offense of stalking must have previously reported the stalking conduct; providing penalties.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 126 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 126** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 242 ON SECOND READING

Senator Shapiro moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 242** be taken up for consideration at this time:

S.B. 242, Relating to violence prevention and conflict resolution training for use in juvenile probation.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 242** as follows:

In SECTION 1 of the bill, proposed Section 141.0431(1), Human Resources Code, between "programs" and ":", insert "that include discussion of domestic violence and child abuse issues" (Introduced version, page 1, line 11).

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 242 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 242** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 243 ON SECOND READING

Senator Shapiro moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 243** be taken up for consideration at this time:

S.B. 243, Relating to educating juveniles under the custody of the Texas Youth Commission in violence prevention and conflict resolution.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 243 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 243** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 72 ON SECOND READING

Senator Patterson moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 72** be taken up for consideration at this time:

S.B. 72, Relating to the release of information kept in vessel and boat records.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 72 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 72** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Leedom, Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 316 ON SECOND READING**

Senator Lucio moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 316** be taken up for consideration at this time:

C.S.S.B. 316, Relating to the statutory county courts in Cameron County.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Cain, Gallegos, Galloway, Harris, Haywood, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Nays: Ellis, West, Whitmire.

Absent-excused: Brown, Leedom, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Ellis, Gallegos, West, and Whitmire asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 316 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 316** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Armbrister, Bivins, Cain, Galloway, Harris, Haywood, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, West, Whitmire.

Absent-excused: Brown, Leedom, Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Ellis, Gallegos, West, and Whitmire asked to be recorded as voting "Nay" on the final passage of the bill.

REASON FOR VOTE

Senator Ellis submitted the following reason for vote on **S.B. 316**:

I am opposed to passage of **S.B. 316** because I believe the Texas Legislature should not create any new courts until it remedies the discrimination in the current judicial election system. Unfortunately, I am not optimistic that the Legislature will act to resolve this problem without some pressure on the system.

The Justice Department's ability to block the creation of new courts until the system is brought into compliance with the Voting Rights Act has the ability to force the Legislature to respond to the problem. In the absence of such pressure, I am afraid the Legislature would continue to try to sweep this problem under the rug. The passage of so-called "local" bills creating new courts in the context of a discriminatory, immoral system could go on endlessly, as lawmakers push forward their local agendas but neglect the statewide problem.

With all due respect to Senator Lucio and to the people of Cameron County—for whom I would willingly support the creation of a new court in the context of a fair judicial election system—I strongly oppose **S.B. 316**.

ELLIS

REASON FOR VOTE

Senator Luna submitted the following reason for vote on **S.B. 316**:

I oppose creating any new courts as long as we have a discriminatory judicial selection process. Our judges do not represent 40 percent of the state's people. I have the greatest respect for my esteemed colleague and for the people of Cameron County. I agree that the county needs another county court to handle the changes that accompany rapid growth. Urban counties cannot have any new courts until the legislature develops and passes a judicial selection plan that will provide for the election of judges by district. Cameron County has a large minority population. Minority judicial candidates who run for election in Cameron County do not face the same problems that minority candidates face in other counties. However, since all counties are part of the same system, it is bad policy to create courts in some counties and not in others.

Texas does not have enough minorities on the bench and the current system will not improve representation. In Harris County alone, eight minority judges were voted out of office. Harris County's judiciary is as white today as it was in the early 1970s. The system must change. The only way to force change is to prevent anyone from creating new courts.

At Governor Bullock's request, I served on the Judicial Selection Committee. We met many times and finally reached a consensus. I did not support every single part of the plan but like the other committee members, I agreed to support it. This plan would bring about changes in the racial and ethnic composition of the state's judiciary. Although some members of the minority community oppose S.B. 313, I believe it should be passed. If the Department of Justice accepts the plan, we can once again create new courts. However, until that time, I will oppose the creation of any new courts.

LUNA

SENATE BILL 320 ON SECOND READING

Senator Shapiro moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that S.B. 320 be taken up for consideration at this time:

S.B. 320, Relating to the county courts at law of Collin County.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Cain, Gallegos, Galloway, Harris, Haywood, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Nays: Ellis, West, Whitmire.

Absent-excused: Brown, Leedom, Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Ellis, Gallegos, West, and Whitmire asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 320 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 320 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Armbrister, Bivins, Cain, Galloway, Harris, Haywood, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, West, Whitmire.

Absent-excused: Brown, Leedom, Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Ellis, Gallegos, West, and Whitmire asked to be recorded as voting "Nay" on the final passage of the bill.

REASON FOR VOTE

Senator Ellis submitted the following reason for vote on **S.B. 320**:

I am opposed to passage of **S.B. 320** because I believe the Texas Legislature should not create any new courts until it remedies the discrimination in the current judicial election system. Unfortunately, I am not optimistic that the Legislature will act to resolve this problem without some pressure on the system.

The Justice Department's ability to block the creation of new courts until the system is brought into compliance with the Voting Rights Act has the ability to force the Legislature to respond to the problem. In the absence of such pressure, I am afraid the Legislature would continue to try to sweep this problem under the rug. The passage of so-called "local" bills creating new courts in the context of a discriminatory, immoral system could go on endlessly, as lawmakers push forward their local agendas but neglect the statewide problem.

With all due respect to Senator Shapiro and to the people of Collin County—for whom I would willingly support the creation of a new court in the context of a fair judicial election system—I strongly oppose **S.B. 320**.

ELLIS

REASON FOR VOTE

Senator Luna submitted the following reason for vote on **S.B. 320**:

I oppose creating any new courts as long as we have a discriminatory judicial selection process. Our judges do not represent 40 percent of the state's people. I have the greatest respect for my esteemed colleague and for the people of Collin County. I agree that the county needs another county court to handle the changes that accompany rapid growth. Urban counties cannot have any new courts until the legislature develops and passes a judicial selection plan that will provide for the election of judges by district. While Collin County's minority population may fall below the Department of Justice's requirement, I believe that since all counties are part of the state, we cannot create courts in some counties and not in others.

Texas does not have enough minorities on the bench and the current system will not improve representation. In Harris County alone, eight minority judges were voted out of office. Harris County's judiciary is as white today as it was in the early 1970s. The system must change. The only way to force change is to prevent anyone from creating new courts.

At Governor Bullock's request, I served on the Judicial Selection Committee. We met many times and finally reached a consensus. I did not support every single part of the plan but like the other committee

members, I agreed to support it. This plan would bring about changes in the racial and ethnic composition of the state's judiciary. Although some members of the minority community oppose **S.B. 313**, I believe it should be passed. If the Department of Justice accepts the plan, we can once again create new courts. However, until that time, I will oppose the creation of any new courts.

LUNA

REASON FOR VOTES

Senator Gallegos submitted the following reason for votes on **S.B. 316** and **S.B. 320**:

Until the Legislature responds with some urgency to remedying the current judicial election system, I am opposed to **S.B. 316** and **S.B. 320**. The Justice Department has made it clear that it is refusing to preclear new elected courts until the system is brought into compliance with the Voting Rights Act.

As a State Senator for a majority Hispanic constituency that must work within a discriminatory judicial system, passing bills that create new courts, without addressing the statewide selection problem, diminishes the seriousness of judicial equity.

I oppose **S.B. 316** and **S.B. 320** until the Legislature creates a fair judicial election system.

GALLEGOS

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate former Commissioner of Insurance Bob Hunter and his wife, Carol.

The Senate welcomed its guests.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 155 - By Truan: Congratulating the Corpus Christi Housing Authority for receiving national recognition.

S.R. 181 - By Sims: Recognizing Roberta Watters on the occasion of her retirement as County Extension Agent in Taylor County.

S.R. 183 - By Ellis: Welcoming His Excellency Ekwow Spio-Garbrah, Ambassador of the Republic of Ghana, to the United States of America.

S.R. 186 - By Barrientos: Commending the Reverend Curtis Lee Carter of Austin for his community service.

ADJOURNMENT

On motion of Senator Truan, the Senate at 11:04 a.m. adjourned, in memory of John D. Ratkovic of Corpus Christi, until 11:00 a.m. Monday, February 13, 1995.

APPENDIX

REPORTS OF STANDING COMMITTEE

The following committee reports were received by the Secretary of the Senate:

February 9, 1995

EDUCATION — C.S.S.C.R. 18, C.S.S.B. 397

SENT TO GOVERNOR

(February 9, 1995)

S.C.R. 39

S.C.R. 44

NINETEENTH DAY

(Monday, February 13, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Absent-excused: Lucio, Sims, West, Whitmire.

A quorum was announced present.

The Reverend Dorothy L. Robinson, St. John's Episcopal Church, Austin, offered the invocation as follows:

Almighty God, You have blessed us with this wonderful state. Bless these lawmakers in whom we have entrusted the authority of government. Make them mindful of their call to serve the people of this state as they exercise this authority. Give them the courage, wisdom, and foresight to govern wisely. Guide them as they enact laws, that these laws may be the best for this state and for all the people of this state. Strengthen them to lay aside their differences and stand united in their search for the means to accomplish these ends. All this we ask for the welfare of this state and of the people, and that Your name may be glorified. Amen.